

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.) Criminal No. 03-10353-WGY
)
ROMAN VALDMA,)
Defendant.)

MOTION FOR FINAL ORDER OF FORFEITURE

The United States of America, by its Attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves that this Court issue a Final Order of Forfeiture in the above-captioned case, pursuant to the provisions of Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 982, and Federal Rule of Criminal Procedure 32.2. In support thereof, the United States sets forth the following:

1. On or about November 19, 2003, a 23-count Indictment was returned in this District, charging the defendant, Roman Valdma (the "Defendant" or "Valdma") with the following violations: Transportation for Illegal Sexual Activity (18 U.S.C. §2421); Persuading and Enticing Illegal Sexual Activity (18 U.S.C. §2422); Importation of Aliens for Immoral Purposes (8 U.S.C. §1328); Encouraging and Inducing Aliens to Come to the United States in Violation of Law (8 U.S.C. §1324); Bringing Aliens to the United States Without Official Authorization for Commercial Advantage (8 U.S.C. §1324(a)(2)(B)(ii)); Visa Fraud (18 U.S.C. §1546); and

Causing and Aiding and Abetting (18 U.S.C. §2).

2. The Indictment also included four criminal forfeiture allegations pursuant to 18 U.S.C. §981(a)(1)(C) (incorporating 18 U.S.C. §1956 and 18 U.S.C. §1961), 28 U.S.C. §2461, 18 U.S.C. §2253, 18 U.S.C. 982(a)(6)(a)(i) and (ii), and 18 U.S.C. 982(a)(6), and 8 U.S.C. §1324(b), and 28 U.S.C. §2461. These forfeiture allegations set forth assets that would be forfeitable upon conviction for the offenses in the Indictment. These assets included:

- a. \$80, 000 in United States currency;
- b. One 2003 silver Acura model MDX bearing Massachusetts Registration number 59PV19, and Vehicle Identification Number 2HNYD18863H506272 which is registered to ROMAN VALDMA; and
- c. Real property described as follows:
 - (i) 2 Larose Place, Apartment 25, Brighton, Massachusetts, as more fully described in the Deed of Florencia Maria Hito of the Two Larose Place Realty Trust dated August 1, 2001 and recorded in Suffolk Registry of Deeds, Book 26783, Page 22,

(collectively "the Assets.")¹

3. On or about August 3, 2004, the United States Attorney filed a 20-count Superseding Information, charging the Defendant

¹ The Forfeiture Allegations of the Indictment and the Superseding Information also included a number of additional assets. These additional assets are not the subject of this motion or the proposed Final Order of Forfeiture, and are not being forfeited in connection with the instant criminal case.

with the following offenses: Importation of Aliens for Immoral purposes (8 U.S.C. §1328); Transportation for Illegal Sexual Activity (18 U.S.C. §2421); Persuading and Enticing Illegal Sexual Activity (18 U.S.C. §2422); Encouraging and Inducing Aliens to Come to the United States in Violation of Law (8 U.S.C. §1324); Bringing Alien to the United States Without Official Authorization for Commercial Advantage (8 U.S.C. §1324(a)(2)(B)(ii)); Visa Fraud (18 U.S.C. §1546(a)); and Causing and Aiding and Abetting (18 U.S.C. §2).

4. The Superseding Information also included four criminal forfeiture allegations, pursuant to 18 U.S.C. §981(a)(1)(C) (incorporating 18 U.S.C. §1956 and 18 U.S.C. §1961), 28 U.S.C. §2461, 18 U.S.C. §2253, 18 U.S.C. 982(a)(6)(a)(i) and (ii), and 18 U.S.C. 982(a)(6) and 8 U.S.C. §1324(b) and 28 U.S.C. §2461. These forfeiture allegations set forth assets that would be forfeitable upon conviction for the offenses in the Superseding Information, including the Assets listed above.

5. On or about August 3, 2003, a change of plea hearing was held at which, pursuant to a plea agreement, the Defendant pled guilty to the Superseding Information. In the plea agreement, the Defendant agreed to the forfeiture, for the use and benefit of the United States, of all his right, title, and interest in the Assets listed above. The defendant also agreed that United States would be entitled to forfeit "substitute assets," in accordance with 21

U.S.C. §853(p) and 18 U.S.C. §2253(o).

6. On or about November 23, 2004, the Defendant was sentenced to forty-one (41) months incarceration and was ordered by the District Court to forfeit the Assets listed above.

7. On or about August 21, 2004, this Court issued a Preliminary Order of Forfeiture, pursuant to the provisions of 21 U.S.C. §§853(a) and (p), as incorporated by 18 U.S.C. §982 and §2253(o), and Rule 32.2 of the Federal Rules of Criminal Procedure, against the Defendant's interests in the Assets.

8. On or about February 22, 2005, March 1, 2005, and March 8, 2005, a Notice of Order of Forfeiture was published in the Boston Herald Newspaper pursuant to 21 U.S.C. §853(n), as incorporated by 18 U.S.C. §982 (see Exhibit A attached hereto).

9. To date, no other claims of interest in the Assets have been filed with the Court and the time within which to do so has expired.

WHEREFORE, the United States respectfully requests that this Court enter a Final Order of Forfeiture against the Assets. A Proposed Order is submitted herewith for the convenience of the Court.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jennifer H. Zacks

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Date: May 17, 2005

CERTIFICATE OF SERVICE

I, Jennifer H. Zacks, Assistant U.S. Attorney, hereby certify that a true copy of the foregoing Motion for Final Order of Forfeiture and proposed Final Order of Forfeiture was served upon John H. Brazilian, Esquire, Matthew D. Thompson, Esquire, and Thomas J. Butters, Esquire, Butters, Brazilian & Small, One Exeter Plaza, Boston, Massachusetts 02116, as counsel for Defendant Roman Valdma, by first class mail, postage prepaid.

/s/Jennifer H. Zacks

Jennifer H. Zacks
Assistant U.S. Attorney

Date: May 17, 2005